

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2631**

---

**Introduced by Assembly Member Dababneh**

February 21, 2014

---

An act to amend Sections 361, 3018, 19370, *and* 19371 *of*, to amend the heading of Article 5 (commencing Section 13282) of Chapter 3 of Division 13 *of*, to amend and renumber Sections 19382 and 19385 *of*, and to repeal Sections 13283, 13284, 13285, 13286, 13287, 13288, 13289, 19380, 19381, 19383, 19384, *and* 19386 of, the Elections Code, ~~with~~ relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2631, as amended, Dababneh. Elections: voting machines.

Existing law provides for the conduct of statewide and local elections and sets forth provisions governing, among other things, election procedures, the declaration of results, and election contests. Existing law defines for these purposes the term “voting machine” to mean any device upon which a voter may register his or her vote, and which, by means of counters, embossing, or printouts, furnishes a total of the number of votes cast for each candidate or measure.

*Existing law requires that the Secretary of State certify or conditionally approve a direct recording electronic voting system only if the system includes an accessible voter verified paper audit trail. Existing law defines for these purposes the term “direct recording electronic voting system” as a voting system that records a vote electronically and does not require or permit the voter to record his or her vote directly onto a tangible ballot.*

This bill would modify and update the definition of “voting machine” to mean any electronic device into which a voter may enter his or her votes, and which, by means of electronic tabulation and generation of specified printouts and records, furnishes a total of the number of votes cast for each candidate or measure. The bill would make conforming changes and repeal obsolete provisions of existing law. *The bill would substitute certain references to the term “voting system” with the term “direct recording electronic voting system.”*

Existing law requires the precinct board, as soon as the polls are closed, to comply with specified requirements relating to the closing of the polls, including, but not limited to, the locking of voting machines and the reading and posting of the statement of return of votes cast for the precinct. Existing law also sets forth the procedures by which the proclamation of the result of the votes cast must be distinctly announced.

This bill would modify and repeal certain precinct board requirements and procedures relating to the reading, posting, and inspection of the statement of return of votes cast for the precinct. By imposing new duties on local officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 361 of the Elections Code is amended to
- 2 read:
- 3 361. “Voting machine” means any electronic device, including,
- 4 but not limited to, a precinct optical scanner and a direct recording
- 5 voting system, *into* which a voter may enter his or her votes, and
- 6 which, by means of electronic tabulation and generation of
- 7 printouts or other tangible, human-readable-~~permanent~~ records,
- 8 furnishes a total of the number of votes cast for each candidate
- 9 and for or against each measure.

SEC. 2. Section 3018 of the Elections Code is amended to read:

3018. (a) Any voter using a vote by mail ballot may, prior to the close of the polls on election day, vote the ballot at the office of the elections official. The voter shall vote the ballot in the presence of an officer of the elections official or in a voting booth, at the discretion of the elections official, but in no case may his or her vote be observed. ~~Where voting machines direct recording electronic voting systems, as defined in subdivision (b) of Section 19271, are used the elections official may shall provide one voting machine for each ballot type used within the jurisdiction provided that sufficient voting machines are provided~~ *sufficient direct recording electronic voting systems* to include all ballot types in the election.

(b) For purposes of this section, the office of an elections official may include satellite locations. Notice of the satellite locations shall be made by the elections official by the issuance of a general news release, issued not later than 14 days prior to voting at the satellite location, except that in a county with a declared emergency or disaster, notice shall be made not later than 48 hours prior to voting at the satellite location. The news release shall set forth the following information:

- (1) The satellite location or locations.
- (2) The dates and hours the satellite location or locations will be open.
- (3) A telephone number that voters may use to obtain information regarding vote by mail ballots and the satellite locations.

(c) Vote by mail ballots voted at a satellite location pursuant to this section shall be placed in a vote by mail voter identification envelope to be completed by the voter pursuant to Section 3011. However, if the elections official ~~utilizes voting machines~~ *provides sufficient direct recording electronic voting systems to include all ballot types in the election*, the vote by mail ballot may be cast on ~~a voting machine~~ *a direct recording electronic voting system*.

SEC. 3. The heading of Article 5 (commencing with Section 13282) of Chapter 3 of Division 13 of the Elections Code is amended to read:

## Article 5. Ballot Labels

1 SEC. 4. Section 13283 of the Elections Code is repealed.

2 SEC. 5. Section 13284 of the Elections Code is repealed.

3 SEC. 6. Section 13285 of the Elections Code is repealed.

4 SEC. 7. Section 13286 of the Elections Code is repealed.

5 SEC. 8. Section 13287 of the Elections Code is repealed.

6 SEC. 9. Section 13288 of the Elections Code is repealed.

7 SEC. 10. Section 13289 of the Elections Code is repealed.

8 SEC. 11. Section 19370 of the Elections Code is amended to  
9 read:

10 19370. (a) As soon as the polls are closed, the precinct board,  
11 in the presence of the watchers and all others lawfully present,  
12 shall immediately lock the voting machine against voting and  
13 generate from each voting machine at least three copies of a  
14 statement of return of votes cast, ~~read and distinctly announce each~~  
15 ~~candidate's name and the result as shown by the statement. He or~~  
16 ~~she shall also in the same manner announce the vote on each~~  
17 ~~measure.~~

18 (b) One copy of the statement of return of votes cast for each  
19 voting machine shall be posted upon the outside wall of the precinct  
20 for all to see. The copy of the result shall be signed by the members  
21 of the precinct board. To protect a person's right to cast a secret  
22 ballot under Section 7 of Article II of the California Constitution,  
23 in cases where fewer than 10 voters cast ballots on any single  
24 voting machine on which the results are tallied at the precinct, the  
25 precinct board shall ~~read and~~ post only the total number of people  
26 who voted on that voting machine. The statement of return of votes  
27 cast for each voting machine for the precinct shall constitute the  
28 precinct statement of result of votes cast.

29 SEC. 12. Section 19371 of the Elections Code is amended to  
30 read:

31 19371. Before adjourning, the precinct board shall seal each  
32 voting machine with the seal or seals provided and lock the voting  
33 machine.

34 ~~It shall remain locked and sealed against operation until the time~~  
35 ~~for filing a contest of election has expired.~~

36 SEC. 13. Section 19380 of the Elections Code is repealed.

37 SEC. 14. Section 19381 of the Elections Code is repealed.

38 SEC. 15. Section 19382 of the Elections Code is amended and  
39 renumbered to read:

~~19380~~

19380. The statement of the result of votes cast, which shall be certified by the precinct board, shall contain:

- (a) The total number of votes cast.
  - (b) The number of votes cast for each candidate and measure as shown on the statement of return of votes cast.
  - (c) The number of votes for persons not nominated.
  - (d) Printed directions to the precinct board for their guidance before the polls are opened and when the polls are closed.
  - (e) A certificate which shall be signed by the election officers before the polls are opened, showing:
    - (1) The delivery of the keys in a sealed envelope.
    - (2) The number on the seal *or seals*.
    - (3) The number registered on the protective counter.
    - (4) Whether all of the counters are set at zero (000).
    - (5) Whether the public counter is set at zero (000).
  - (f) A certificate that shall be filled out after the polls have been closed, showing:
    - (1) That the voting machine has been locked against voting and sealed.
    - (2) The number of voters as shown on the public counter.
    - (3) The number on the seal or seals.
    - (4) The number registered on the protective counter.
    - (5) That the voting machine is closed and locked.
- SEC. 16. Section 19383 of the Elections Code is repealed.
- SEC. 17. Section 19384 of the Elections Code is repealed.
- SEC. 18. Section 19385 of the Elections Code is amended and renumbered to read:

~~19381~~

19381. The precinct board shall immediately transmit unsealed to the elections official a copy of the result of the votes cast at the polling place, the copy shall be signed by the members of the precinct board, and shall be open to public inspection.

SEC. 19. Section 19386 of the Elections Code is repealed.

SEC. 20. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O